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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,369	08/23/2006	Jay A. Nelson	899-73077-04	7108

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER

WANG, SHENGJUN

ART UNIT	PAPER NUMBER
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1617

MAIL DATE	DELIVERY MODE
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11/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,369	Applicant(s) NELSON ET AL.	
	Examiner Shengjun Wang	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-19,35-46,80-93,103-123 and 132-137 is/are pending in the application.
- 4a) Of the above claim(s) 6-8,11-19,35-46,80-84,86-88,90-92,103-117 and 123 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,10,85,89,93,118-122 and 132-137 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 6-8, 12-19, 35-46, 80-84, 86-88, 90-92, 103-117 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Claims 11, 123 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 15, 2007.
2. Applicant's election with traverse of invention group A in the reply filed on August 15, 2007 is acknowledged. The traversal is on the ground(s) that groups A and B should be in one groups as compounds in both groups are within a proper Markush group. This is found persuasive and group A and B are combined as the elected invention. Applicants also elected compound PP2 as the elected species without traverse.

The modified requirement is still deemed proper and is therefore made FINAL.

The claims have been examined insofar as they read on elected invention and species.

Claim Rejections 35 U.S.C. 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 9, 10, 85, 89, 93, 118-122, 132-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benish et al. (US 6,504,914, and US 2004/0077663) in view of Hanke et al. (J. Biological Chemistry, 1996, Vol. 271, No. 2, p695-701).

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5. Benish et al. teach a method of using compounds selectively inhibiting Src family of tyrosine kinase (such as Yes, Fyn) and thereby treating various virus infections, particularly HIV. See, particularly, the abstract and the claims in '914 and the claims in '663. Benish et al. further teaches that it is known that The HIV-1 Nef protein interacts with members of the Src family of tyrosine kinases. Nef mediates downregulation of CD4 membrane expression, modification of T-cell activation pathways, and increases virus infectivity. Col. 3, lines 15-30 in '914.
6. Benish et al. do not teach expressly the employment of PP2 as the Src inhibitor for treatment of HIV infection or inhibiting the virus duplication.
7. However, Hanke et al. teach that PP2 is a known Sre family selective tyrosine kinase inhibitor. See, particularly, the abstract, the structure at page 697 and the table 1 at page 698.

Therefore, it would have been prima facie obvious to a person of ordinary skill in the art, at the time the claimed the invention was made, to treat HIV infection by administering to the patients PP2, a known Sre family selective tyrosine kinase inhibitor.

A person of ordinary skill in the art would have been motivated to treat HIV infection by administering to the patients PP2, a known Sre family selective tyrosine kinase inhibitor because Sre family tyrosine kinase is known to facilitate HIV infection, and selective Sre family tyrosine kinase inhibitor is known to be useful for treating HIV, and PP2 is a old and well-known selective Sre family tyrosine kinase inhibitor. As to claim 118, reciting "inhibiting replication", note, the actual step s therein is to contacting a cell infected by HIV with PP2, therefore, a method of treating HIV infected patient with PP2 would meet the limitation of claimed method. Further, since Src tyrosine kinase in known to facilitate the infection of HIV, inhibition of the kinase would have reasonably expected to decrease the replication of the virus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shengjun Wang
Primary Examiner
Art Unit 1617

A handwritten signature in black ink, appearing to read 'S. Wang', written in a cursive style.

SHENGJUN WANG
PRIMARY EXAMINER